IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 1127 of 1998

Between:

V.Gowramma, W/o. Late Basavarajappa,
R/o. D.No.100 Kuppam-Palamaner road, Baireddipalle Village and post,
Bairedipalle (M), Chittoor Dist.

..... PETITIONER

AND

1 Special Commissioner ,Land Revenue, A.P. Hyderabad.
2 The Joint Collector,Chittoor.
3 Revenue Divisional Officer, Madanapalle,
Chittoor Dist.
4 Smt. Bhuvaneswari, W/o. Rajachary,
D.No.6-68 Acharla Street , Baireddypalle(V)&(post),
Baireddypalle(M), Chittoor Dist.
5 Mandal Revenue Officer, Baireddypalle(M),
Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order preferably in the nature of Writ, of Certiorari calling for the records relating to the proceedings No.BCW2/163/96 DT.27-8-1997 on the file of the special Commissioner, Land Revenue, A.P.,Hyderabad, the 1st respondent herein and quash the same declaring that the proceedings issued by the 1st respondent is illegal and void and being violative of Art.14 and also principles of Promissory estoppel and suffers from the vice of error of law and order the respondents from proceedings dt.27-8-1997 and pass such other order or orders.

Counsel for the Petitioner :MR.M.PRATAP SINGH

For the Respondent No.1 to 3 & 5 : Government Pleader .for Assignments

For the Respondent No.4 : Mr.KG Krishnamurthy, Advocate

The Court Made the Following :

HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No. 1127 of 1998

Oral Order:

Assailing the proceedings dated 27-08-1997, issued by respondent No.1-Special Commissioner, Land Revenue, A.P., Hyderabad, as being illegal and arbitrary, the petitioner filed this writ petition. By reason of the said order, respondent No.1 dismissed the revision filed by the petitioner questioning the orders dated
13-12-1995, passed by respondent No.2-Joint Collector, Chittoor District.

The petitioner states that originally she was allotted plot bearing No. 109 in Sy. No. 66/4 of Baireddipalle village, and subsequently Plot No. 54. While so, it is her case that respondent No.5 carved out a new plot bearing No. 160 from out of Plot Nos. 108 and 109 by reducing their size, and allotted the newly carved out plot to respondent No. 4. It is the case of the petitioner that the newly carved out plot should be allotted to her as it is blocking their way on the southern side, and at any rate, she states that respondent No.5 could not have carved out the new plot without issuing notice to her.

Heard the learned counsel for the petitioner, the learned Government Pleader for Assignments and the learned counsel for respondent No.4.

I am unable to agree with the contentions of the petitioner. A reading of the impugned order would disclose that it is the contention of the respondents that the petitioner was allotted Plot No. 54 and not Plot No. 109 as contended by the petitioner, and on the other hand, it is the case of the respondents that the petitioner had illegally occupied Plot No. 109. Since, some more landless poor persons were left out from allotment, respondent No.5 carved out a new plot being Plot No. 160 from out of Plot Nos. 108 and 109. Since it is stated that the petitioner was allotted Plot No. 54 and not Plot No. 54 as contended by her, she cannot have any grievance about the creation of the new plot and allotment thereof to respondent No.4, and more so when creation of the new plot had not caused any inconvenience to the petitioner. This apart, the impugned order states that the petitioner is not at all a resident of the village, and that the very grant itself is invalid and illegal. The petitioner having not been affected in any manner by reason of creation of new plot, no exception can be taken to the action of the respondents in not issuing any notice to the petitioner.

In the above view of the matter, I see no reason to interfere with the

impugned order of respondent No.1, dismissing the revision preferred by the petitioner against the orders of respondent No.2.

The writ petition is devoid of merit, and the same is accordingly dismissed. No costs.

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2nd July, 2004 N.V.RAMANA, J

Kvr/Ksr

To

1 Special Commissioner ,Land Revenue, A.P. Hyderabad.
2 The Joint Collector,Chittoor.
3 Revenue Divisional Officer, Madanapalle,
Chittoor Dist.
4 Mandal Revenue Officer, Baireddypalle(M),
Chittoor Dist.

5 Two C.Cs to the G.P.for Assignments, High Court of AP Buildings,

High Ciourt of AP, Hyderabad. (O.U.T.)

6 Two C.D.copies.